SINGLE BENCH

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W.P.No.507 / 2005

Petitioner : Maikel Satish Kumar Khalkho, S/o Rawal Khalkho, Aged about 40 years, Presently working as Assistant Teacher in the Tribal Primary Girls School (Pongro), Block Kansabel, District – Jashpur (CG), R/o Rajeev Nagar, Post – Kansabel, Tahsil – Bagicha, District – Jashpur (CG).

P.F. No. 5349/05
Presented by R.R. Rajput Kaur
Dated 17/10/05

Versus

Respondents :

1) State of Chhattisgarh – Through the Secretary, Tribal Welfare Department, DKS Bhawan, Raipur (C.G.)

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2) The Commissioner, Tribal Welfare Department, Raipur.

3) The Assistant Commissioner, Tribal Welfare, Jashpur.

4) Kumari Mushrat Jahan, D/o Shri S.A.Hussain, Shiksha Karmi Grade – III (Urdu) Primary Girls Tribal School, Pongro, Block Kansabel, District – Jashpur, Presently R/o Kalyan Ashram Marg, Jashpur Nagar, District - Jashpur (CG)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

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XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 5197 **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	27.10.2005 Shri P.Diwakar, Sr. Advocate with Shri K.S. Pawar, for the petitioner. Shri P.S. Koshy, Deputy Advocate General for the State/ respondents no.1, 2 and 3 on advance copy. I.A.No.9064/2005 This is an application for urgent hearing. The matter is taken up on Board. This interim application stands disposed of. W.P. No.5197/2005 Heard. The petitioner, who is presently working as an Assistant Teacher in Tribal Primary Girls School (Pongro), Block Kansabel, Distt. Jashpur and has been transferred from Pongaro to Primary School, Mudhi, Block Bagicha vide order dated 31.8.2005; has challenged the validity of his transfer order. Learned counsel submits that the the total strength of teachers in the said School at Pongaro is 3 and as an effect of the appointment of respondent no.4, who though has been appointed for Govt. Primary School, Pongro being run by School Education Department, but with her joining in the petitioner's school of tribal department, the strength has become 4 and the petitioner is being treated as surplus and for this	

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मामला क्रमांक ..... W.P. NO. 5197 ..... **सन् 2005**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

reason, he has been transferred from Pongro to Mudhi. Learned counsel vehemently submits that in fact, the appointment of respondent no.4 was for School Education Department and she could not be posted and allowed her joining in the school of the Tribal Welfare Department where the petitioner was working and if her joining to the said school is changed or altered then the petitioner would not be treated as surplus.

Learned counsel for the petitioner prays that for the present the petitioner may be granted liberty to file a detailed representation before the concerned authority and the concerned authority may be directed to dispose of the said representation within the stipulated period granted by this court. Learned counsel also prays that some interim protective order be passed in favour of the petitioner till the representation is decided.

To this prayer, made by learned counsel for the petitioner, so far as it relates to filing of representation before the concerned authority, learned State Counsel has no objection. However, he objects and submits that any protective order passed in favour of the petitioner would jeopardize the interests of the students studying in the transferred place of the petitioner.

Considering the facts and circumstances of this case, it is directed that the petitioner, if so advised, may file a detailed representation

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

raising all his grievances before the competent authority alongwith a copy of this order and copy of this writ petition within a period of 15 daysd from today and if such a representation is filed, the concerned authority shall dispose of the same as early as possible preferably within a period of one month from the date of filing/receipt of the aforesaid representation.

Since I am granting a short time for disposal of the representation as prayed by learned counsel for the petitioner, I do hereby also direct that the status quo as it obtains today in relation the transfer and posting of the petitioner shall be maintained by the parties for a period of 8 weeks from today. This direction of status quo for a period of 8 weeks shall stand automatically vacated after lapse of the said period.

With the aforesaid observations/directions, this petition stands finally disposed of.

Consequently, M.W.P.No.4207/05 stands disposed of.

C.C. as per rules.

Sd/-
Sunil Kumar Sinha
Judge

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